



U.S. Department of
Transportation

Office of the Secretary
of Transportation

DOCUMENTARY SERVICE DIVISION
Washington, D.C. 20590

95-47

Weekly Summary of Orders and
Regulations

NOVEMBER 13 - NOVEMBER 17, 1995

Order	Docket	Summary	Date Action Taken
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(#) Published in the Federal Register.

95-10-22	50399 50390 49866 49803 49736 49645 49293 44689 (49168 (OST-95-536) (47420 OST-95-439) (47419 OST-95-441) 45851 (44944 OST-95-411)	APPLICATIONS OF MALEV HUNGARIAN AIRLINES, AEROPERU, AMBASSADOR AIRWAYS LIMITED, COMPANIA DE AVIACION "FAUCETT", S.A., BRITISH AIRWAYS PLC, TRANS EUROPEAN AIRWAYS FRANCE, S.A., COMPAGNIE NATIONALE AIR GABON AND AERONAVES DEL PERU FOR PERMITS, EXEMPTIONS OR AUTHORITIES UNDER TITLE 49 OF THE UNITED STATES CODE: The Department dismisses the applications. Served 10-20-95	10-16-95
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95-11-2	OST-95-782	U.S.-TORONTO SECOND YEAR SERVICE PROCEEDING: ERRATUM TO INSTITUTING ORDER: Page 6 of 6 of Appendix A in Order 95-11-2 inadvertently referenced an incorrect date for proposed fare data in footnote 1, and contained two other minor typographical errors. A revised Page 6 of 6 of Appendix A is attached to this order. Served 11-14-95	11- 1-95
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Intervening numbers appeared on a previous
summary.

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95-11-9	50254 49410 49676 Undoc'd 50144	<p>IN THE MATTER OF U.S.-RUSSIA ALL-CARGO FREQUENCY ALLOCATION CASE:</p> <p>APPLICATIONS OF EVERGREEN INTERNATIONAL AIRLINES, INC., FEDERAL EXPRESS, NORTHERN AIR CARGO AND POLAR AIR CARGO, INC. FOR EXEMPTION UNDER 49 U.S.C. SECTION 40109 TO PROVIDE U.S.-RUSSIA ALL-CARGO SERVICE, AND FOR ALLOCATION OF FREQUENCIES:</p> <p>The Department tentatively (a) allocates sixteen weekly available frequencies in the U.S.-Russia market as follows: Polar Air Cargo-8 flights, Evergreen -4 flights, and Federal Express-4 flights; and (b) grants exemption authority to Polar Air, Evergreen International and Federal Express to provide scheduled all-cargo service between the United States and Russia using their allotted frequencies and proposes to grants the above authority for a one year period.</p> <p>Objections due November 23, 1995.</p> <p>Answers to Objections due November 30, 1995.</p> <p>Served 11-13-95</p>	11-6-95
95-11-10	OST-95-687 R-1 - R-12 OST-95-690 R-1 - R-24	<p>The Department approves and grants antitrust immunity to the IATA Agreements, subject, where applicable, to conditions previously imposed, in Docket OST-95-687 amends fares and conditions between Europe and the South Asian Subcontinent, including a 10 percent decrease in fares from the Russian Federation and an increase in fares from Bangladesh and Sri Lanka to government-approved levels. The agreement in Docket OST-95-690 revises fares and conditions between Europe and South East Asia with increases ranging from two to nine percent and introduces a</p>	11-6-95

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complete fare structure between Europe and Macau.

Served 11-14-95

95-11-11	OST-95-663 R-1 - R-43	The Department approves and grants antitrust immunity to the IATA Agreement, subject, where applicable, to conditions previously imposed which revises fares and conditions within Europe. In addition to a number of market-specific changes to fare conditions, levels are generally increased from two to four percent, with selected fares from the Russian Federation and the Ukraine increased up to 10 percent and fares from Algeria increased 20 percent. Served 11-14-95	11-6-95
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95-11-12	OST-95-167 OST-95-312 R-1 - R-20	The Department approves and grants antitrust immunity to the IATA Agreements, subject, where applicable, to conditions previously imposed which revalidates existing cargo rates, and their associated conditions of carriage, for various IATA traffic conference areas through September 30, 1996. While including rates to/from the United States, there are no changes to previously approved rates or conditions. Served 11-14-95	11-6-95
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Intervening number has not been released.

95-11-14	OST-95-300	COMPLAINT OF FINE AIRLINES, INC. AGAINST AEROSERVICIOS ECUATORIANOS, C.A. AND THE GOVERNMENT OF ECUADOR UNDER 49 U.S.C. SECTION 41310: The Department grants the motion of Fine Airlines, Inc., to defer action through December 7, 1995, on its complaint against the Government of Ecuador and Aeroservicios Ecuatorianos, C.A., in Docket OST-95-300. Served 11-14-95	11- 7-95
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Intervening number has not been released.

95-11-17	50325 50257 48075	APPLICATIONS OF ASIANA AIRLINES, INC., KUWAIT AIRWAYS CORPORATION AND LAKER AIRWAYS (BAHAMAS) LIMITED: The Department issues, in the forms attached to this order a foreign air carrier permit to each applicant. Served 11-15-95	9-26-95
95-11-18	OST-95-792	JOINT APPLICATION OF AMERICAN AIRLINES, INC. AND EXECUTIVE AIRLINES, INC., FLAGSHIP AIRLINES, INC., SIMMONS AIRLINES, INC., AND WINGS WEST AIRLINES, INC. D/B/A AMERICAN EAGLE AND CANADIAN AIRLINES INTERNATIONAL LTD. AND ONTARIO EXPRESS LTD. AND TIME AIR INC. D/B/A CANADIAN REGIONAL AND INTER-CANADIAN (1991) INC.: The Department directs American Airlines, Inc. and its regional affiliates, and Canadian Airlines International Ltd. and its regional affiliates to provide the detailed descriptions set forth in this order, as supplement to their joint application; Upon submission by the joint applicants of the required descriptions in this docket interested parties will be provided seven business days to file comments on the applicants motion for confidentiality; (November 22, 1995) Defers the 21-day deadline for the filing of comments set forth in 14 CFR Part 303 until further notice. Served 11-13-95	11-13-95
95-11-19	49505	ESSENTIAL AIR SERVICE AT TOPEKA, KANSAS UNDER 49 U.S.C. 41731 <i>ET</i>	11-13-95

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SEQ.:

The Department requires Air Midwest, Inc.,
d/b/a USAir Express, to maintain essential
air service at Topeka, Kansas, as set forth in

95-11-19	49505	<p>continued.....</p> <p>Appendix C of Order 94-10-44, for an additional 30-day period through December 14, 1995, or until a carrier capable of providing reliable essential air service begins service, whichever occurs first. Served 11-17-95</p> <p>Intervening number has not been released.</p>	11-13-95
95-11-21	OST-95-795	<p>APPLICATION OF HEAVYLIFT CARGO AIRLINES, LTD. FOR AN EXEMPTION: UNDER 49 U.S.C SECTION 40109(G): The Department grants Heavylift Cargo Airlines, Ltd., exemption authority to operate one cargo charter flight carrying emergency cabotage traffic, consisting of an outsized satellite and associated items, between Los Angeles, California, and Cape Canaveral (or Patrick Air Force Base), Florida, on or about November 16, 1995. Served 11-14-95</p>	11-14-95
95-11-22	OST-95-474	<p>SECOND LOS ANGELES INTERNATIONAL AIRPORT RATES PROCEEDING: The Administrative Law Judge shall issue his decision on or before Monday, November 27, 1995; The parties' opening briefs will be due Friday, December 1, and their reply briefs will be due Monday, December 4. Served 11-16-95</p> <p>Intervening numbers have not been released.</p>	11-16-95

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95-11-26	OST 95-659	<p>APPLICATION OF AIR 21, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER 49 U.S.C. 41102 TO ENGAGE IN INTERSTATE SCHEDULED AIR TRANSPORTATION OF PERSONS, PROPERTY AND MAIL:</p> <p>The Department finds that Air 21, Inc., is fit, willing, and able to engage in interstate scheduled air transportation of persons, property and mail.</p> <p>Served 11-17-95</p>	11-17-95
95-11-27	Undoc'd	<p>MALAYSIA AIRLINES - VIOLATIONS OF 49 U.S.C. 41302 AND 14 CFR PART 212:</p> <p>The Department approves this settlement and the provisions of this order as in the public interest;</p> <p>Malaysia Airlines is found to have violated 49 U.S.C.. 41302 and section 212.4 of its regulations (14 CFR 212.4) by performing wet lease service between Warsaw, Poland, and New York without a statement of authorization from the Department;</p> <p>Malaysia Airlines is ordered to cease and desist form further violations of 49 U.S.C. 41302 and section 212.4 of its regulations;</p> <p>Malaysia Airlines is assessed \$30,000 in compromise of civil penalties that might otherwise be assessed for the violations found in ordering paragraph 2 of this order.</p> <p>Of this amount, \$15,000 shall be paid within 15 days of the service date of this order.</p> <p>The remaining \$15,000 shall be suspended for one year following the service date of this order and shall be forgiven unless</p>	11-17-95

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Malaysia Airlines fails to comply with the payment provisions of this order or commits order violations of 49 U.S.C. Section 41302, 14 CFR Part 212, or this order during the year following issuance of this order, in which case the entire unpaid

95-11-27	Undoc'd	<p>continued.....</p> <p>portion of the \$30,000 assessed penalty shall become due and payable immediately. Payments shall be made by wire transfer through the Federal Reserve Communications System, commonly known as "Fed wire," to the account of the U.S. Treasury. The wire transfer shall be executed in accordance with the attached instructions. Failure to pay the penalty, as ordered will subject Malaysia Airlines to assessment of interest, penalty and collection charges under the Debt Collection Act, and possible enforcement action for failure to comply with this order. Served 11-17-95</p> <p>Intervening number has not been released.</p>	11-17-95
95-11-29	OST-95-290 OST-95-702	<p>The Department finds that LorAir, Ltd., is fit, willing, and able to engage in interstate and foreign charter air transportation of persons, property, and mail. Served 11-17-95</p>	11-17-95
95-11-30	OST-95-403 OST-95-404	<p>APPLICATION OF EAGLE JET CHARTER, INC. D/B/A EAGLE JET FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER 49 U.S.C. 41102 TO ENGAGE IN INTERSTATE SCHEDULED AIR TRANSPORTATION OF PERSONS, PROPERTY, AND MAIL AND</p>	11-17-95

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PENDENTE LITE EXEMPTION
PURSUANT TO 49 U.S.C 40109:
The Department tentatively concludes that
Eagle Jet Charter, Inc. d/b/a Eagle Jet is
continued.....

95-11-30	OST-95-403 OST-95-404	continued..... a citizen of the United States and is “fit, willing, and able” to provide interstate scheduled air transportation of persons, property, and mail as certificated air carrier. Grants Eagle Jet exemption authority pending receipt of its effective section 41102 to the extent necessary to authorize Eagle Jet to engage in scheduled air transportation under a wet lease arrangement to its affiliate Eagle Canyon Airlines, Inc. Objections due December 4, 1995 Objections due December 14, 1995. Served 11-17-95	11-17-95
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95-11-31	50360	APPLICATION OF SEABORNE AVIATION, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER 49 U.S.C. 41102 TO ENGAGE IN INTERSTATE SCHEDULED AIR TRANSPORTATION OF PERSONS, PROPERTY, AND MAIL: The Department finds that Seaborne Aviation, Inc., is fit, willing, and able to engage in interstate scheduled air transportation of persons, property, and mail. Served 11-17-95	11-17-95
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ORDERS NOT RELEASED AS OF

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NOVEMBER 17, 1995:
95-11-13, 95-11-15, 95-11-20, 95-11-23,
95-11-24, 95-11-25, 95-11-28, 95-11-32,
95-11-33

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